



THE CITY OF SAN DIEGO

DATE OF NOTICE: February 9, 2022

# NOTICE OF PUBLIC HEARING

## APPEAL TO PLANNING COMMISSION

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<b>DATE OF HEARING:</b>	<b>February 24, 2022</b>
<b>TIME OF HEARING:</b>	<b>9:00 A.M.</b>
<b>LOCATION OF HEARING:</b>	<b>VIRTUAL HEARING</b>
<b>PROJECT NO:</b>	<b>656544</b>
<b>PROJECT NAME:</b>	<b><u>701 5<sup>TH</sup> AVENUE CUP/NUP</u></b>
<b>PROJECT TYPE:</b>	<b>CONDITIONAL USE PERMIT/NEIGHBORHOOD USE PERMIT, PROCESS 3</b>
<b>APPLICANT:</b>	<b>701 FIFTH AVE., LLC C/O THEATER BOX SAN DIEGO, LLC</b>
<b>COMMUNITY PLAN AREA:</b>	<b>DOWNTOWN</b>
<b>COUNCIL DISTRICT:</b>	<b>3</b>
<b>CITY PROJECT MANAGER:</b>	<b>Nicole Paré, Associate Planner</b>
<b>PHONE NUMBER/E-MAIL:</b>	<b>(619) 446-5001 / <a href="mailto:npare@sandiego.gov">npare@sandiego.gov</a></b>

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Until further notice, Planning Commission meetings will be conducted pursuant to the provisions of California Government Code section 54953(b), as amended by Assembly Bill 361 which suspends certain requirements of the Ralph M. Brown Act during a proclaimed state of emergency when measures to promote social distancing are in effect or the City has determined meeting in person would present imminent risks to the health or safety of attendees.

During the current State of Emergency related to the COVID-19 pandemic and in the interest of public health and safety, all Planning Commissioners will be participating in Planning Commission meetings by teleconference and/or videoconference. There will be no members of the public in attendance at the Planning Commission Meetings. We are providing alternatives to in-person attendance for participating in Planning Commission meetings. Updated information is available on the Planning Commission webpage: <https://www.sandiego.gov/planning-commission>.

In lieu of in-person attendance, members of the public may submit their comments on agenda items using the public comment [webform](#) found on the Planning Commission webpage: <https://www.sandiego.gov/planning-commission>. If you have an attachment to your comment, you may send it to [planningcommission@sandiego.gov](mailto:planningcommission@sandiego.gov) and it will be distributed to the Planning Commissioners.

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Planning Commission to consider an appeal on an application for a Process Three Conditional Use Permit to allow amplified live entertainment indoors on levels 1 and 2 and outdoor on the rooftop deck and Neighborhood Use Permit for sidewalk café dining areas on Sixth Avenue for restaurant/bar and nightclub tenants at an existing 66,180 SF commercial building known as "Sugar Factory" located on a 28,619 SF site on the north side of G Street between Fifth and Sixth Avenues in the Gaslamp Quarter Planned District and Horton/Gaslamp neighborhood of the Downtown Community Plan area.

The decision made by the Planning Commission is the final decision by the City.

Development within the Downtown Community Planning area is covered under the following documents, all referred to as the "Downtown FEIR": Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and, the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Development within the Downtown Community Planning area is also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency. The Downtown FEIR and CAP FEIR are located on the City website (<https://www.sandiego.gov/planning/community/profiles/downtown/eirs>). The environmental impacts of the project were adequately addressed in the Downtown FEIR and CAP FEIR; the project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within both documents for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation is required under CEQA.

Internal Order No: 24008563



**Development Services Department**

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**RETURN SERVICE REQUESTED**